REMARKS

In the final Office Action[1], the Examiner objected to the drawings; objected to the specification; rejected claims 1-4, 6-15, and 17-23 under 35 U.S.C. § 112, first paragraph; rejected claims 1-4, 6-15, and 17-23 under 35 U.S.C. § 112, second paragraph; rejected claim 23 under 35 U.S.C. § 101; and rejected claims 1-4, 6-15, and 17-23 under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,792,113 to Ansell et al. ("*Ansell*") in view of U.S. Patent No. 6,726,100 to Lauper et al. ("*Lauper*").

By this Amendment, Applicant proposes to amend claims 1, 12, and 23.

Regarding the objection to the drawings, the Examiner indicates that "the drawings must show every feature of the invention specified in the claims" (Office Action at p. 3). However, as discussed below with respect to the rejection under 35 U.S.C. § 112, first paragraph, Applicant's drawings support the claimed invention. Therefore, Applicant respectfully requests the Examiner to withdraw the objection to the drawings.

Regarding the objection to the specification, the Examiner alleges that the specification fails to provide antecedent basis for a "computer-readable medium" of claim 23. Amended claim 23 recites a "computer-readable storage medium" (emphasis added). Page 14 of Applicant's specification states:

> A storage unit 102 includes a semiconductor memory such as a RAM (Random Access Memory) or a ROM (Read Only Memory) and/or an external storage device such as a hard disk drive or a CD/DVD read/write drive.

[1] The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

RAM, ROM, hard disks, CD's, and DVD's are various types of computer-readable storage media.

Moreover, Applicant respectfully refers the Examiner to M.P.E.P § 2173.05(e), which states:

> There is no requirement that the words in the claim must match those used in the specification disclosure. Applicants are given a great deal of latitude in how they choose to define their invention so long as the terms and phrases used define the invention with a reasonable degree of clarity and precision.

(emphasis added). As Applicant's specification discloses a number of computer-readable storage media, the specification supports claim 23. Therefore, Applicants respectfully request the Examiner to withdraw the objection.

Applicant respectfully traverses the rejection of claims 1-4, 6-16, and 17-23 under 35 U.S.C. § 112, first paragraph. Claim 1 recites a "registration means for registering the first user identification information, and for replacing the first user identification information with a second user identification information to register a second user requesting use of the content."

Applicant's specification states:

> CPU 101 executes a content usage control program whereby . . . registration or change of registration of a client to which to provide contents is controlled . . . When another apparatus or user wants to receive a particular service from the content usage control apparatus 100, the other apparatus or user first requests the apparatus 100 to register identification information of the other apparatus or the user . . . In a case in which it is determined that registration replacement is allowed . . . then replacement of registration is performed (step S6).

(emphasis added)(Specification at pp. 14 and 18-21, FIGS. 1-4). The claimed registration means is supported by at least these portions of Applicant's specification.

Claim 1 also recites a "change limitation means for preventing the registration means from further replacing the second user identification information in accordance with a limitation on replacing user identification information." Applicant's specification states:

> . . .limitation is imposed on rewriting of identification information registered in the registration information database. That is, an apparatus or user having permission to receive a service is allowed to be replaced with another apparatus or user only within a predetermined limit. Specific examples of methods of limiting rewriting of identification information are described below . . .
>
> Example 1 . . . The number of times registered identification information is replaced with identification information of another apparatus or user is limited to a predetermined value. If replacement is performed the predetermined number of times, no further replacement is allowed.
>
> Example 2 . . . A limit is imposed on the frequency at which registered identification information is replaced with identification information of another apparatus or user . . .

(emphasis added)(Specification at pp. 25-27 and FIGS. 1, 8, and 9). The specification discusses a number of additional examples of limitations on replacing user identification. The claimed change limitation means is supported by at least these portions of Applicant's specification.

As discussed above, Applicant's specification supports claim 1. The Examiner rejected independent claims 12 and 23 for the same reasons as discussed above with respect to claim 1. Therefore, claims 1, 12 and 23 are in compliance with 35 U.S.C. § 112, first paragraph. Claims 2-4, 6-11, 13-15 and 17-22 were apparently rejected solely due to their dependence from rejected base claims 1 and 12. Therefore, Applicants

respectfully request the Examiner to withdraw the rejection of claims 1-4, 6-16, and 17-23 under 35 U.S.C. § 112, first paragraph.

Applicant respectfully traverses the rejection of claims 1-4, 6-15, and 17-23 under 35 U.S.C. § 112, second paragraph. Claim 1 recites a "registration means for registering the first user identification information, and for replacing the first user identification information with a second user identification information to register a second user requesting use of the content." The Examiner alleges that the claimed "requesting use of the content" (emphasis added) lacks antecedent basis (Office Action at p. 6). Applicants have amended claim 1 to introduce the claimed content without a definite article.

The Examiner rejected independent claims 12 and 23 for the same reasons as discussed above with respect to claim 1 (Office Action at p. 6). Claims 12 and 23 have been amended similarly to claim 1, and are also in compliance with 35 U.S.C. § 112, second paragraph. Claims 2-4, 6-11, 13-15 and 17-22 were apparently rejected solely due to their dependence from rejected base claims 1 and 12. However, as discussed, claims 1 and 12 are in compliance with 35 U.S.C. § 112, second paragraph. Therefore, Applicants respectfully request the Examiner to withdraw the rejection of claims 1-4, 6-16, and 17-23 under 35 U.S.C. § 112, second paragraph.

Applicant respectfully traverses the rejection of claim 23 under 35 U.S.C. § 101. Claim 23 recites a "computer-readable storage medium containing processor readable instructions for causing a processor to execute a method . . ." (emphasis added). The Examiner alleges, "[t]o a person with ordinary skill in the art, a computer-readable medium can include communication media, such as a signal, carrier wave and etc."

Applicant respectfully disagrees. There is no evidence that those skilled in the art consider a signal or carrier wave to be a "computer-readable medium." Moreover, even assuming the Examiner is correct, neither a signal or carrier wave is considered by those skilled in the art as a "storage" medium. Therefore, Applicant respectfully requests the Examiner to withdraw the rejection of claim 23 under 35 U.S.C. § 101.

Applicant respectfully traverses the rejection of claims 1-4, 6-15, and 17-23 under 35 U.S.C. § 103(a).

Independent claim 1, for example, recites a content usage control apparatus, comprising, among other things, a "registration means for registering the first user identification information, and for replacing the first user identification information with second user identification information to register a second user requesting use of the content." The cited references fail to teach or suggest at least the claimed "replacing the first user identification with second user identification information."

Ansell discloses using keys to access content using a passport, and the passport can be converted from a "machine-bound state to [a] user-bound state" (*Ansell*, abstract). In the machine-bound state, the passport allows any user of a given machine to access data content (*Ansell*, col. 7, lines 51-53). In the user-bound state, the user can transport the passport between different machines (*Ansell*, col. 7, lines 46-49). When the passport is in a user-bound state, the user must supply a password to access content (*Ansell*, col. 14, lines 12-17).

The Examiner relies upon figures 7 and 8 of *Ansell* in addressing the claimed registration means (Office Action at p. 2). However, figure 7 merely illustrates a content player authenticating either a machine-bound passport or a user-bound passport with a

password. In either case, *Ansell* does not replace a user identification information with a second user identification information. Figure 8 merely illustrates a request for a new machine-bound passport. While *Ansell*'s user enters information into the computer to request the new machine-bound passport, *Ansell*'s user does not enter user identification information (*Ansell*, col. 16, lines 33-52). Indeed, *Ansell*'s machine-bound passport works for any user; therefore there is no need for the user to provide identification information. Instead, *Ansell* uses a hardware identifier to identify the machine for the new machine-bound passport (Ansell, col. 16, line 53).

For at least the reasons discussed above, *Ansell* fails to teach or suggest the claimed "registration means for registering the first user identification information, and for replacing the first user identification information with second user identification information to register a second user requesting use of the content," as recited by independent claim 1.

Lauper fails to cure the deficiencies of *Ansell*. *Lauper* discloses a method for updating time-limited parameters in a chip-card, such as lists of blocked user chip-cards (*Lauper*, abstract). *Lauper* does not disclose that the lists include user identifications, however. Rather, *Lauper's* lists include identifications of the chip-cards themselves (*Lauper*, col. 4, lines 29-31). Moreover, even assuming the lists included user identifications, *Lauper* does not disclose replacing a first user identification in the list with a second user identification. At best, *Lauper* discloses adding an identification of a blocked user chip-card to the list, without replacing another entry in the list. Indeed, if *Lauper* replaced an entry in the list of blocked chip-cards, *Lauper* would inadvertently allow the chip-card that was replaced to become unblocked. *Lauper*, therefore, does

not teach or suggest the claimed "registration means for registering the first user identification information, and for replacing the first user identification information with a second user identification information to register a second user requesting use of the content," as recited by independent claim 1.

Claim 1 also recites a "limitation modifying means for modifying the limitation on replacing user identification information." The cited references fail to teach or suggest the claimed limitation modifying means.

Ansell discloses limiting the number of times the machine-bound keys can be re-issued (*Ansell*, col. 17, lines 27-58). However, *Ansell* does not disclose modifying the number of times the machine-bound keys can be replaced. Therefore, *Ansell* fails to teach or suggest the claimed "limitation modifying means for modifying the limitation on replacing user identification information," as recited by independent claim 1.

Lauper fails to cure the deficiencies of *Ansell*. As discussed, *Lauper* discloses updating lists of blocked user chip-cards (*Lauper*, abstract). *Lauper* also discloses that the list of blocked chip-cards can be "time-limited parameters" in the sense that they are "not durable" and occasionally have to be updated (*Lauper*, col. 2, lines 1-9).

The Examiner correctly states that "'update' in the *Lauper* et al. reference means replacing old time-limited parameters with new-time limited parameters" (Office Action at p. 3). However, *Lauper* does not disclose modifying any limitation on the time-limited parameters. For example, while *Lauper* discloses the updates can be "daily, weekly, or monthly as required" (*Lauper*, col. 4, lines 22-28), *Lauper* does not suggest modifying the frequency of the updates from, for example, daily updates to weekly updates. Therefore, *Lauper* fails to teach or suggest the claimed "limitation modifying means for

modifying the limitation on replacing user identification information," as recited by independent claim 1.

Because the cited references fail to teach or suggest each and every claim element, no *prima facie* case of obviousness has been established with respect to claim 1. Independent claims 12 and 23 distinguish over *Ansell* and *Lauper* for at least the same reasons as claim 1. Claims 2-4 and 6-11 depend from claim 1, and claims 13-15 and 17-22 depend from claim 12., and are allowable at least due to their dependence from allowable base claims. Applicant therefore respectfully requests the Examiner to withdraw the rejection of these claims under 35 U.S.C. § 103(a).

The dependent claims recite additional features not taught by the cited references. For example, claim 6 recites "[a] content usage control apparatus according to claim 1, wherein the limitation is a maximum number of times user identification information can be replaced." As discussed, *Ansell* discloses limiting the number of times the machine-bound keys can be re-issued (*Ansell*, col. 17, lines 27-58). However, as discussed, *Ansell*'s machine-bound keys are identified by a hardware identifier and not a user identification. Therefore, *Ansell* does not teach or suggest the claimed "wherein the limitation is a maximum number of times user identification information can be replaced," as recited by dependent claim 6. *Lauper* fails to cure the deficiencies of *Ansell*.

Applicant respectfully requests that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 1-4, 6-15, and 17-23 in condition for allowance. Applicants submit that the proposed amendment of claim 23 does not raise new issues

or necessitate the undertaking of any additional search of the art by the Examiner. Therefore, this Amendment should allow for immediate action by the Examiner.

Applicants respectfully point out that the final action by the Examiner presented some new arguments as to the application of the art against Applicants' invention. It is respectfully submitted that the entering of the Amendment would allow the Applicants to reply to the final rejections and place the application in condition for allowance.

Finally, Applicants submit that the entry of the amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

In view of the foregoing remarks, Applicant respectfully requests reconsideration of the application and withdrawal of the rejections. Pending claims 1-4, 6-15, and 17-23 are in condition for allowance.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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